UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,296	08/20/2003	Anthony J. Baerlocher	0112300-1531	6661

29159 7590 04/19/2006		EXAMINER	
BELL, BOYD & LLOYD LLC		KIM, ANDREW	
P. O. BOX 1135		ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135		3712	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 March 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-87_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-87_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 May 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 3/23/06 in which:

- Claims 1, 16, 28, 39, 53 and 65 have been amended.

- Response to claims rejection have been filed.

- Claims 1-87 are pending.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code 102 not included in this action

can be found in a prior Office action.

Claims 1-6, 8-12, 14, 16-19, 21-26, 28-31, 33-37, 39-44, 46-51, 53-56, 58-63, 65-

68 and 70-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Locke et al.

Locke et al. disclose a gaming system that includes a gaming device (10) having

a game operable upon a wager by a player and a method of operating the gaming

device (Figure 2 along with the related description thereof). Locke et al. disclose that

the system comprises: means for displaying and generating (fig. 1) a plurality of first

components (outcomes of the combinations of symbols on reels 30-34 in col. 3); means

for displaying and generating a plurality of sets of second components (sets of

multipliers 64), wherein each set of second components is in a fixed relationship with

one of the first components and wherein each of the first components includes an in a

fixed relationship set of second components (multipliers 64 are grouped into different

sets in a fixed relationship with one of the combinations of symbols on reels 30-34

during "free spins"), wherein a first one of the first components and a second one of the

first components simultaneously have a fixed relationship with different sets of second

components (col. 4, lines 49-67); and means for determining and providing an award

adapted to be provided to the player (col. 3, lines 43-47) and based on: (a) one of the

first components generated from the plurality of first components and (b) one of the

second components generated from the set of second components in a fixed

relationship with the generated first component (col. 4, lines 36-48) as recited in claims

1 and 39. Locke et al. disclose that different multiplier sets ("1X, 1X, 2X, 2X, 3X, 5X,

3X, 2X, 2X, 1X, 1X" for free spin 1, "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X" for free spin 2,

"2X, 2X, 3X, 5X, 3X, 2X, 2X" for free spin 3, "2X, 3X, 5X, 3X, 2X" for free spin 4 and "3X,

5X, 3X" for free spin 5) are in a fixed relationship with the combinations of symbols on

reels 30-34 (resulting in separate values awarded to the player) during different free

spins (Figures 4, 6, and 7 along with the related descriptions thereof).

Regarding claims 2 and 40, Locke et al. disclose two sets of second components

that share at least one second component (the multiplier sets for free spins 1 and 2

share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X"). See col. 4, lines 29-35 and col.

5, lines 5-10.

Regarding claims 3 and 41, Locke et al. disclose that each set of the second

components shares at least one second component with at least one other set of

second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X,

2X, 3X, 5X, 3X, 2X, 2X, 1X", the multiplier sets for free spins 2 and 3 share multipliers

"2X, 2X, 3X, 5X, 3X, 2X, 2X", the multiplier sets for free spins 3 and 4 share multipliers

"2X, 3X, 5X, 3X, 2X", the multiplier sets for free spins 4 and 5 share multipliers "3X, 5X, 3X"). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 4 and 42, Locke et al. disclose that a first one of the sets of second components shares a first one of the second components with a second set of second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X") and shares a second one of the second components with a third set of the second components (the multiplier sets for free spins 1 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X"). See col. 4, lines 29-35 and col. 5, lines 19-25.

Regarding claims 5 and 43, Locke et al. disclose that at least one of the sets of second components includes at least one second component that is not shared by any other set of second components (the multiplier set for free spin 1 includes "1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X" wherein the outermost "1X" multipliers are not shared by any of the multiplier sets for free spins 2-5). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 6 and 44, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 8 and 46, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 9 and 47, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 10 and 48, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 11 and 49, Locke et al. disclose that the award is formed from the generated second component modifying the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 12 and 50, Locke et al. disclose a display device (12) adapted to display the fixed relationships of the sets of second components with the first components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 14 and 51, Locke et al. disclose a computer storage device (22) and processor (18) for controlling the gaming device (10). See Figure 2 along with the related description thereof.

Regarding claims 16 and 53, Locke et al. disclose a gaming system that includes a gaming device (10) having a game operable upon a wager by a player and a method of operating the gaming device (Figure 2 along with the related description thereof). Locke et al. disclose that the system comprises: means for displaying and generating a plurality of first components (combinations of symbols on reels 30-34 in col. 3, lines 25-47); means for displaying and generating a plurality of sets of second components (sets of multipliers 64), wherein each of the first components includes an in a fixed

relationship set of second components (multipliers 64 are grouped into different sets in a fixed relationship with one of the combinations of symbols on reels 30-34 during "free spins") and wherein at least one of the sets of second components shares at least one second component with at least one other set of second components (col. 4, lines 29-35 and col. 5, lines 5-10, wherein the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X") and wherein at least one of the sets of second components includes at least one second component that is not shared by any other set of second components (col. 4, lines 29-35 and col. 5, lines 5-55, wherein the outermost "1X" multipliers of the multiplier set for free spin 1, "1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X", are not shared by any of the multiplier sets for free spins 2-5), wherein a first one of the first components and a second one of the first components simultaneously have a fixed relationship with different sets of second components (col. 4, lines 49-67); and means for determining and providing an award adapted to be provided to the player (col. 3, lines 43-47) and based on: (a) one of the first components generated from the plurality of first components and (b) one of the second components generated from the set of second components in a fixed relationship with the generated first component (col. 4, lines 36-48).

Regarding claims 17 and 54, Locke et al. disclose that each set of the second components shares at least one second component with at least one other set of second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X", the multiplier sets for free spins 2 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X", the multiplier sets for free spins 3 and 4 share multipliers

"2X, 3X, 5X, 3X, 2X", the multiplier sets for free spins 4 and 5 share multipliers "3X, 5X, 3X"). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 18 and 55, Locke et al. disclose that a first one of the sets of second components shares a first one of the second components with a second set of second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X") and shares a second one of the second components with a third set of the second components (the multiplier sets for free spins 1 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X"). See col. 4, lines 29-35 and col. 5, lines 19-25.

Regarding claims 19 and 56, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 21 and 58, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 22 and 59, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 23 and 60, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 24 and 61, Locke et al. disclose that the award is formed by
the generated second component modifying the generated first component (col. 4, lines
15-17 and 39-48).

Regarding claims 25 and 62, Locke et al. disclose a display device (12) adapted
to display the fixed relationships of the sets of second components with the first
components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 26 and 63, Locke et al. disclose a computer storage device
(22) and processor (18) for controlling the gaming device (10). See Figure 2 along with
the related description thereof.

Regarding claims 28 and 65, Locke et al. disclose a gaming system that includes
a gaming device (10) having a game operable upon a wager by a player and a method
of operating the gaming device (Figure 2 along with the related description thereof).
Locke et al. disclose that the system comprises: means for displaying and generating a
plurality of first components (combinations of symbols on reels 30-34 in col. 3, lines 25-
47); means for displaying and generating a plurality of sets of second components (sets
of multipliers 64), wherein a first one of the first components and a second one of the
first components simultaneously have a fixed relationship with different sets of second
components (col. 4, lines 49-67); and means for determining and providing an award
adapted to be provided to the player (col. 3, lines 43-47) based on at least one of the
first components and at least one of the second components (col. 4, lines 36-48),
wherein the first component is selected from the plurality of first components and the
second component is selected from one or a plurality of second components which are

in a fixed relationship with the selected first component and wherein the second component modifies the selected first component to form the award (col. 4, lines 36-48).

Regarding claims 29 and 66, Locke et al. disclose that one of the second components (multiplier 64 in multiplier sets for free spins 1 and 2) is in a fixed relationship with two of the first components (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table). The multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X" and are in a fixed relationship with different combinations of symbols appearing on reels 30-34 during the free spins 1 and 2. See col. 4, lines 29-35 and col. 5, lines 5-10.

Regarding claims 30 and 67, Locke et al. disclose that one of the second components (multiplier 64 in multiplier set for free spin 1) is only in a fixed relationship with one of the first components (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table). The multiplier set for free spin 1, "1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X", is only in a fixed relationship with combinations of symbols appearing on reels 30-34 during free spin 1. See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 31 and 68, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 33 and 70, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 34 and 71, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 35 and 72, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components in a fixed relationship with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 36 and 73, Locke et al. disclose a display device (12) adapted to display the fixed relationships of the sets of second components with the first components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 37 and 74, Locke et al. disclose a computer storage device (22) and processor (18) for controlling the gaming device (10). See Figure 2 along with the related description thereof.

Regarding claims 76 and 82, Locke et al. discloses that each first component has a fixed relationship with only one set of second components in col. 6, lines 5-9.

Regarding claims 77 and 83, Locke et al. discloses that each set of second components has a fixed relationship with only one first component in col. 6, lines 5-9.

Regarding claims 78 and 84, Locke et al. discloses that each first component has a fixed relationship with only one set of second components in col. 6, lines 5-9.

Regarding claims 79 and 85, Locke et al. discloses that each set of second

components has a fixed relationship with only one first component in col. 6, lines 5-9.

Regarding claims 80 and 86, Locke et al. discloses that each first component has

a fixed relationship with only one set of second components in col. 6, lines 5-9.

Regarding claims 81 and 87, Locke et al. discloses that each set of second

components has a fixed relationship with only one first component in col. 6, lines 5-9.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 7, 20, 32, 45, 57 and 69 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Locke et al.

Locke et al. teach a gaming system that includes a game having a plurality of first

components and a plurality of sets of second components as detailed above. Locke et

al. teach that the first components are values (combinations of symbols on reels 30-34

result in values awarded to the player from a pay table) and the second components are

multipliers (multipliers 64). See col. 3, lines 42-48 of Locke et al. However, Locke et al.

does not explicitly teach that the first components are multipliers and the second

components are values as recited in claims 7, 20, 32, 45, 57 and 69. It would have

been an obvious matter of design choice to modify the first components to include

multipliers and to modify the second components to include values since Applicant has

not disclosed that such an arrangement solves any stated problem or is for any

particular purpose and it appears that the gaming system of Locke et al. would perform

equally well with the first and second components including values or multipliers,

respectively.

3.   Claims 13, 15, 27, 38, 52, 64 and 75 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Locke et al. in view of Miller et al. (U.S. Patent Application

Publication 2002/0065126).

Locke et al. teach a gaming system as described above that includes a display

(12) for displaying game information that is controlled via a computer storage device

(22) and processor (18). However, Locke et al. does not explicitly teach that the gaming

device and method is controlled via a data network including an internet as recited in

claims 15, 27, 38, 52, 64 and 75. Miller et al. teach a mechanical substantially spherical

shaped object (606) for displaying game information (Figures 8A-13B along with the

related descriptions thereof), which is controlled via a data network including an internet

(paragraphs [0006] and [0086]). Miller et al. teach that such network control is well-

known in the art (paragraph [0006]) and that mechanical displays increase game appeal

and player excitement (paragraphs [0011] and [0050]). It would have been obvious for

one skilled in the art at the time of the invention to incorporate the network controlled

sphere (606) to display game information in the gaming system taught by Locke et al. in

order to increase game appeal and player excitement as desirably taught by Miller et al.

in paragraphs [0011] and [0050].

Response to Arguments

Applicant's arguments filed 3/23/06 have been fully considered but they are not persuasive.

Regarding claims 1, 16, 28, 39, 53 and 65 with respect to a first one of the first components and a second one of the first components simultaneously have a fixed relationship with different sets of second components, Locke discloses in col. 4, lines 49-67 that first component (current outcome) and a second one of the first components (next outcome) simultaneously have a fixed relationship with different sets of second components ("After each free spin, the CPU removes the outermost pair of hourglasses and their associated multipliers from the plurality of selectable hourglasses").

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "at no time are two reel outcomes for a free spin simultaneously associated with different sets of possible multipliers. To the contrary, on each free spin, all possible outcomes are associated with the same set of multipliers" page 18 of remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on 571-272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K.   4/17/2006

SCOTT JONES
PRIMARY EXAMINER